

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Examiner Simone is kindly thanked for the courtesies extended to Applicant's representative during the telephone interview held October 24, 2008. The reasons warranting favorable action discussed during the interview are incorporated into the following remarks and constitute Applicant's separate record of the interview.

Claims 1-8 are pending in this application. Support for the amendments to Claim 1 and added Claim 8 can be found, for example, in Fig. 1. The specification is amended to better conform to U.S. practice. No new matter is added.

Claims 1 and 2 are amended to address the rejection of Claims 1-7 under 35 U.S.C. §112, second paragraph. As agreed during the interview, the amendments to Claims 1 and 2 obviate the rejection. Accordingly, withdrawal of the rejection is respectfully requested.

Independent Claim 1 is the only independent claim under consideration. The Official Action rejects independent Claim 1 under 35 U.S.C. §102(b) over Palm, SE 514 560.

Claim 1 is directed to an apparatus for evaporative cooling of a liquid product. The apparatus comprises, *inter alia*, a vacuum chamber possessing upper and lower end walls and divided into a first space centrally positioned with respect to the longitudinal axis of the vacuum chamber and a second space which concentrically surrounds the first space. The first space is extended downwards so that it extends at least as long below the lower end wall of the vacuum chamber as the extent of the first space inside the vacuum chamber. A coolant conduit is positioned in a portion

of the first space located below the lower end wall for delivering coolant to cool the condensed steam.

Palm discloses an evaporative cooling apparatus having two spaces 6 and 7 disposed in a vacuum vessel 1 (see Fig. 2). As shown in Fig. 2, the vacuum vessel 1 includes a lower wall 4. During the interview, the Examiner took the position that the space 7 shown in Fig. 2 of Palm corresponds to the claimed first space, and that the conduit 19 is a part of the "first space" 7 such that the "first space" 7 (conduit 19) extends downwardly below the lower wall 4. Notwithstanding this interpretation of Palm, and as tentatively agreed during the interview, Palm fails to disclose that the evaporative cooling apparatus includes a coolant conduit positioned in a portion of the first space located below the lower end wall for delivering coolant to cool the condensed steam, as recited in independent Claim 1. For example, as discussed during the interview, there is no coolant conduit provided in the conduit 19 ("first space") of Palm for delivering coolant to the condensed steam. Nor is there any reason to include such a coolant conduit. Thus, independent Claim 1 is patentable over Palm. Therefore, withdrawal of the rejection of Claim 1 is respectfully requested.

Claims 2-7 are patentable over Palm at least by virtue of their dependence from patentable independent Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time.

New Claim 8 is presented for consideration and recites that ingress and egress of the coolant is positioned at a lower portion of the first space. Palm fails to disclose these features.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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